

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION))))	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory Case No. 03-10643-PBS
THIS DOCUMENT RELATES TO: <i>The City of New York, et al.,</i> v. <i>Abbott Laboratories, et al.</i>)))))))	Judge Patti B. Saris

**FOURTH JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO
CERTAIN DEFENDANTS**

Plaintiffs The City of New York and New York Counties in MDL 1456 (collectively “NY Counties”) and defendants Par Pharmaceutical Companies, Inc. and Par Pharmaceutical Inc. (collectively “Par Group”), hereby move the Court to extend the 90-day Order of Dismissal of July 7, 2011 (Doc. # 7656, Sub-Doc. # 296) a fourth time, to allow an additional 90 days to conclude settlement discussions, obtain requisite signatures and file the necessary papers with the Court before the Order of Dismissal becomes final.¹

At a hearing on June 23, 2011, NY Counties reported to the Court that, except for one defendant,² it had settled or reached agreements in principle to resolve all claims against all other defendants in this action, including the Par Group. NY Counties further reported that it would take some time to draft and negotiate the details of the settlement documents, obtain the

¹ NY Counties also move the Court for additional time as to defendant King Pharmaceuticals Inc., King Research and Development and Monarch Pharmaceuticals Inc. (collectively “King/Monarch Group”). Defendant King/Monarch Group does not oppose or object to the further extension of the 90-day Order of Dismissal of July 7, 2011 (Doc. # 7656, Sub-Doc. # 296).

² NY Counties and the last defendant have since reached a settlement in principle, which is subject to a separate extended order dismissal and time frame.

requisite signatures and file formal dismissal papers. Thereafter the Court entered an Order of Dismissal on July 7, 2011 allowing the parties 90 days to finalize the settlement. Doc. # 7656, Sub-Doc. # 296. At the request of NY Counties and various settling defendants, including the Par Group, the 90-day period was extended to December 5, 2011 by Electronic Court Order on October 6, 2011, and extended a second time to February 3, 2012 by Order dated December 9, 2012 (Doc. # 7983, Sub-Doc. # 315). On February 16, 2012, the 90-day period was extended again, until May 3, 2012, when the Court entered the parties' Third Joint Motion to Extend the 90-day Order of Dismissal as to Certain Defendants. See the Court's February 16, 2012 Electronic Order.

In the time since July 7, counsel for NY Counties and all the settling defendants, including the Par Group and King/Monarch Group, have negotiated diligently and in good faith on the terms of each respective settlement agreement and related documents. NY Counties has finalized settlements and submitted formal dismissals for all defendants covered by the Court's 90-day Order of Dismissal of July 7, 2011 (Doc. # 7657, Sub-Doc. # 122), except for the Par Group and King/Monarch Group. Despite their efforts, NY Counties and the remaining defendants need additional time to finalize negotiations, obtain requisite signatures and submit all necessary documents with the Court. NY Counties and the Par Group do not anticipate problems finalizing their respective settlements and filing all necessary documents with the Court by August 1, 2012.

For the foregoing reasons, it is respectfully requested that the Court modify its 90-day Order of Dismissal of July 7, 2011 to allow NY Counties, the Par Group and King/Monarch Group up to and including August 1, 2012 to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

Dated: May 3, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Kathryn B. Allen, hereby certify that I caused a true and correct copy of the foregoing **FOURTH JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO CERTAIN DEFENDANTS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: May 3, 2012

/s/ Kathryn B. Allen
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